

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X 15-CV-3017 (RRM)(RLM)  
ELLIOTT SMALLS,

Plaintiffs(s),

**AFFIDAVIT OF  
SERVICE**

-against-

CITY OF NEW YORK, et al

Defendants.

-----X

1. **Christopher H. Fitzgerald** swears under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statement is true and correct:

2. I am over the age of eighteen years and I reside in the state of New York.

3. On March 8 2016, at 3:56 P.M., I served a true and correct copy of the Summons, Amended Complaint, and applicable HIPAA Complaint Medical Authorizations, upon defendant the **City of New York** at 100 Church Street, New York, New York 10007, by HAND DELIVERY.

4. I delivered a true copy of the Summons and Complaint to B. Mazyck, a person of suitable age and discretion accepted who accepted the copy of the Summons, Amended Complaint, and authorizations, and stamped an additional copy of the Complaint. Said premises are the defendant's actual place of business within the state. She identified herself as being authorized to accept service for the defendant. A scanned copy of the front page of the Complaint, stamped noting receipt by the City of New York, is attached hereto as Exhibit A.

5. Deponent further states that he describes B. Mazyck, the person actually served, as follows: an African American female, gray hair, approximately 55 years of age, approximately 5'5" in height, and approximately 170 lbs in weight.

Dated: New York, New York  
March 8, 2016

By: \_\_\_\_\_

Christopher H. Fitzgerald

SIGNED AND SWORN before me on  
this 8th day of March, 2016

  
\_\_\_\_\_  
NOTARY PUBLIC

ANGONA TRAN  
Notary Public, State of New York  
No. 01TR628818  
Qualified in Kings County  
Commission Expires 09/17/2018

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ELLIOTT SMALLS,

Plaintiff,

JURY TRIAL  
DEMANDED

-against-

THE CITY OF NEW YORK; NEW YORK CITY POLICE  
DEPARTMENT OFFICER NGAI of the 79<sup>th</sup> Precinct; NEW  
YORK CITY POLICE OFFICERS JOHN DOE 1-4, individually  
and in their official capacity (the names John Doe being fictitious,  
as the true names and numbers are presently unknown),

**FIRST AMENDED  
COMPLAINT**

Defendants,  
-----X

ECF CASE

Plaintiff ELLIOTT SMALLS, by his attorney CHRISTOPHER H.  
FITZGERALD, complaining of the defendants, respectfully alleges the following:

**I. PRELIMINARY STATEMENT**

1. Plaintiff ELLIOTT SMALLS, ("Plaintiff"), brings this action for compensatory damages, punitive damages, and attorney's fees pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitutions of the State of New York and the United States.

**II. JURISDICTION**

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331, 1343(3) and (4) and the aforementioned statutory and constitutional provisions.